IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.221 OF 2005
WITH
CIVIL APPLICATION NO.16 OF 2006

Shri R.B.Ambati. ..Petitioner.

V/s.

Mahanagar Telephone Nigam Ltd.
& ors. ..Respondents.

Mrs.Purav for V.P.Sawant for petitioner.

Mr.Anand Grover with Smt.S.I.Shah i/b.Ms.S.I.Shah & Co.for respondent No.1 and 3.

Mr.Vinay Masurkar for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 28, 2006.

P.C. :

1. Heard counsel for the parties.

2. Respondent no.1, on taking legal opinion has now been advised to forthwith comply with the directions given by the single Judge of this court in W.P. No.3847 of 1996 decided on August 18/19, 2004 to be read with order passed by the Division Bench of this court dated April 25, 2005 in Letters Patent Appeal (Stamp) No.33063 of 2004. The respondent no.1 has now given offer to the petitioner that instead of casual driver, he will be taken on the roll of

temporary status Mazdoor and will be paid backwages from 1992 on that basis. This arrangement is acceptable to the petitioner without prejudice to the rights of the petitioner to take recourse to appropriate proceedings for claiming status of permanency.

3. Parties have also agreed that the petitioner will be free to take recourse to appropriate proceedings for direction that the payment which has been offered to the petitioner is deferred/spread over for the period between 1992 till 2006, so as to avail of tax benefit. The respondent No.1 has no objection, if such course is adopted by the petitioner. The respondent No.1 through counsel assures that the respondent No.1 will agree to that arrangement, if petitioner takes recourse to formal proceedings in that behalf.

4. In view of the arrangement arrived at between the parties, nothing survives for consideration in the present petition except to observe that the arrangement is without prejudice to the rights and contentions of the respective parties in the pending proceedings or in future proceedings to be resorted to by either parties.

5. The amount as was payable by the respondent No.1 in the above terms has been made over to the counsel for the petitioner in the form of cheque in the sum of Rs.4,43,475/-. It has been accepted by the petitioner through her counsel.

6. The respondents were present in the court pursuant to the order passed on the earlier occasion. Notice issued to the respondents stands discharged in view of this order.

7. In view of the above order, contempt petition as well as Civil application No.16 of 2006 disposed of accordingly.